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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195327
Party	Plaintiff Hard Candy Cases, LLC
Correspondence Address	STUART J. WEST WEST & ASSOCIATES, PC 1255 TREAT BOULEVARD, 3RD FLOOR WALNUT CREEK, CA 94597 UNITED STATES trademark@westpatentlaw.com
Submission	Motion to Amend Pleading/Amended Pleading
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Date	03/11/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re Application Serial No. : 77700559

For the Mark : Hard Candy

Filed : 27 March 2009

Published in the Trademark
Official Gazette on : 16 February 2010

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HardCandy Cases, LLC	:
	:
Opposer,	:
	:
v.	:
	:
Hard Candy, LLC	:
	:
Applicant.	:
	:
-----X	

Opposition No. 91195327 (Parent)
Opposition No. 91195328

AMENDED NOTICE OF OPPOSITION

HardCandy Cases, LLC, a limited liability company, having a principal place of business at 375 Diablo Road, Suite 200 in Danville, California, 94526 (hereinafter “Opposer”), believes and alleges that it will be damaged by the registration of mark shown in the above-identified application, owned by Hard Candy, LLC, a limited liability company, having a principle place of business at 6100 Hollywood Blvd., 7th Floor, Hollywood, Florida , 33725 (hereinafter “Applicant”), and hereby opposes registration of the same.

As Grounds for Opposition, it is alleged that:

1. Opposer is actively engaged in the business of manufacturing, distributing and selling computing device, mobile telephone and personal digital assistant (PDA) cases, coverings, and shells under the marks “Hard Candy” and “Hard Candy Cases.”

2. Opposer is the owner of the pending mark “HARD CANDY CASES (Serial No. 77/917,147)
3. Opposer has Standing to oppose Applicant’s mark, as Opposer reasonably believes it will likely be damaged by registration of Applicant’s mark.
4. Applicant is in the business of manufacturing, distributing and selling cosmetics.
5. Applicants present Trademark application seeks registration for the goods described as “Consumer electronics, namely, apparatus for recording, transmission or reproduction of sound and images, audio cassette and CD players, speakers, audio headphones, audio recorders, audio speakers, audio tape recorders, calculators, cameras, cell phones, compact disc players, electric hair curling irons, electric hair straightening irons, electric irons, MP3 players, radios, portable handheld digital electronic devices for recording.”

1st Ground

(Lack of Bona Fide Intent to Use)

6. Since the year 1996, Applicant has filed more than 100, federal trademark applications that have subsequently been abandoned either expressly or for failure to file a statement of use.
7. On March 27, 2009, Applicant filed 11 intent-to-use applications in multiple classes of goods ranging from “MP3 Players” (Application Serial No. 77/700,559) and “electronic action toys” (Application Serial No. 77/700,563) to “cheese flavored snacks” (Application Serial No. 77/700,562) and “beauty beverages” (Application Serial No. 77,700,564), none of which have subsequently registered.
8. Applicant has exhibited a pattern and practice of filing multiple intent-to-use trademark applications across multiple classes of goods and subsequently abandoning the underlying applications for failure to file statements of use.

9. On information and belief, Opposer reasonably believes that at the time of filing its intent-to-use application for registration on March 27, 2009, Applicant did not have a bone fide intent-to-use such mark in connection with at least some of the goods identified in its application.

Prayer for Relief

For at least the foregoing reasons, Opposer respectfully requests that Applicant's application for registration of the mark "Hard Candy" be refused; or

In the alternative, Opposer respectfully requests that Opposer be allowed to further amend this Notice of Opposition.

Respectfully submitted,

/s/ Stuart J. West

Stuart J. West

Reg. No. 43,258

Attorney for HardCandy Cases, LLC

CERTIFICATE OF SERVICE

I, Dawn Callender, hereby certify that on March 11, 2011 a true and exact copy of foregoing Amended Notice of Opposition was served by First Class Mail, postage prepaid to:

Registrant:

Hard Candy, LLC
6100 Hollywood Blvd. 7th Floor
Hollywood, FL 33024

Counsel for Registrant

Gabriel Groisman
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/s/ Dawn Callender
Dawn Callender